

### **REMARKS/ ARGUMENTS**

At the outset, the courtesies extended by the Examiner in granting the 12 March 2009 interview and the professionalism he demonstrated are appreciatively noted. At the interview, certain of the references cited by the Examiner in the 22 August 2008 Office Action were discussed in light of the further clarifying amendments proposed by the undersigned Attorney, as set forth herein. The following paragraphs include all of the substantive discussions of the interview.

This case has been carefully reviewed and analyzed in view of the previous Final Office Action, dated 22 August 2008 and the Advisory Action dated 25 February 2009. Claims 1, 2, and 23 have been amended herein. Claims 1-23 remain pending.

In the previous Office Action, the Examiner rejected Claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over Hollander, U.S. Patent No. 6,182,258, hereinafter Hollander'258, in view of Thompson, et al., U.S. PG Pub 2004/0093476, hereinafter Thompson.

As amended herein, Applicant's independent Claim 1 recites among its combination of features a method for automatically generating a test program from a set of scenarios by providing a plurality of scenarios, where each scenario contains at least one operation and at least one constraint indicating compatibility with at least one other scenario. The method includes selectively defining a set of scenarios according to the constraints in the scenarios by resolving conflicts among the constraints to define a set of scenarios that exclude conflicting scenarios. A test program itself is then automatically generated by combining the operations of the set of scenarios.

However, in light of the clarifying amendments herein, it can be seen that the combination of Hollander'258 and Thompson does not disclose or suggest providing scenarios that each contain a constraint indicating compatibility with other scenarios. Moreover, Hollander'258 and Thompson do not suggest selectively defining a set of scenarios according to their constraints to exclude conflicting scenarios and then generating a test program itself from this set of non-conflicting scenarios.

Indeed, Thompson teaches away from the selective set method as claimed in the subject Patent Application by teaching that ALL test cases are generated: "the first test case is generated, the memory segment used is noted. When each of the second through Nth test cases is generated, a memory segment ... not overlapping ... the previously assigned test case(s) is assigned to each subsequent case." (Abstract, emphasis added). If Thompson is generating the first and second through Nth test cases, then there can be no selectivity. This understanding is further evinced by the blanket merging of ALL test cases: "test cases 1 through N are merged...." (Thompson [0034], line 1). This is clearly seen in Fig. 2, block 225 shows that test case 1 is generated and Block 230 and 235 shows: ALL test cases 2 to N are generated. Block 240 further shows the merging of ALL test cases. This can hardly be said to be selective if ALL test cases are generated and merged.

Further, assuming, *arguendo* that "scenarios" are correlated with the test cases in Thompson, these test cases don't contain constraints, let alone, constraints indicating compatibility or conflict with other test cases. Instead, Thompson teaches a monolithic input file (102) which maintains a structure for determining the memory range of each case in the test run. "[I]nput file 102 containing a structure for determining the memory

range for each case in the test run." (Thompson [0029], lines 9-11). "[T]he following example illustrates the generation of multiple test cases using a probability input file 102." ([0035], lines 1-2).

Still further, in the subject Patent Application, Claim 1 recites selectively defining a set of scenarios by resolving conflicts among constraints. This does not occur in the Thompson reference. Instead, Thompson has the benefit of advanced knowledge and predetermined allocation: "S=S+M and E=E+M" to avoid conflicts by defining each 2<sup>nd</sup> through Nth test cases successively without any overlap or conflicts. This is clearly seen in Fig. 3 of Thompson where each Thread 301(N) can be seen to be adjacent, but not overlapping each other, with respective memory spaces defined by the S and E formulas *supra*. "When each of the second through Nth test cases is generated, a memory segment of the same size as the first test case, but not overlapping that of the previously assigned test case(s), is assigned to each subsequent test case." (Thompson [0003], lines 9-12, emphasis added).

As shown in block 235, the size of the memory segment allocated to each test case T is determined, at step 236, by calculating a starting address S and an end address E for each test case, as indicated above with respect to step 215. ([0033], lines 10-13, emphasis added).

If "at the outset" each test case is assigned a predetermined unique memory space, then there can be no conflict. As there can be no conflict, this necessarily precludes and obviates any step of resolving conflicts (as claimed in the subject Patent Application).

From a fair reading of the teachings of Thompson, even as combined with Hollander'258, one of ordinary skill in the art would not be motivated, and indeed would be discouraged from: providing a plurality of scenarios, each scenario containing a constraint indicative of compatibility with at least one other scenario; selectively defining a set of scenarios from the plurality of scenarios according to the constraints thereof by resolving conflicts among the constraints, the set of scenarios excluding conflicting scenarios; and automatically generating a test from the set of scenarios, as is now more clearly recited in currently amended independent Claim 1.

It is therefore respectfully submitted that the Hollander'258 and Thompson references, even when considered together, fail to disclose or suggest the unique combination of interrelated elements for the stated purposes and objectives disclosed in the subject Patent Application. The dependent Claims are believed to show further patentable distinctions, but are believed allowable for at least the same reasons as the independent Claim.

For all the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance and such action is respectfully requested.

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Response to Office Action dated 22 August 2008 and  
supplemental to Amendment filed 16 January 2009

If there are any further charges associated with this filing, the Honorable  
Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for  
such charges.

Respectfully submitted,

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